

# FARMINGTON POLICE DEPARTMENT

## POLICY AND PROCEDURE



**Policy Number:**  
261-02

**Effective Date:**  
3/27/17

**Subject:**  
Enforcement of Traffic Laws and Ordinances

**Approved by:**  
  
**Steven D. Hebbe, Chief of Police**



### **PURPOSE:**

To establish uniform procedures for taking enforcement action incidental to traffic law violations.

### **POLICY:**

It is the policy of the Farmington Police Department to enforce the traffic laws of the State of New Mexico and the City of Farmington.

### **PROCEDURE:**

Officers who, either through observation or investigation determines that a violation of a traffic law has occurred, shall take appropriate enforcement action in order to correct and discourage unlawful driving, and to encourage lawful driving along with providing information regarding safe and lawful driving.

Officers are given discretion in the application of an appropriate enforcement action which takes into consideration the degree and severity of the violation and the apparent likelihood that the violation would be recommitted by the violator.

Dependent upon applicable laws, officers may issue verbal warnings, written warnings, written citations, or, under circumstances dictated by law, make arrests in their enforcement of traffic violations.

The Department does not require officers to adhere to any pre-determined quantitative emphasis in the issuance of traffic citations; however, the Department does encourage officers to take appropriate enforcement action in order to further the Department's overall goal regarding the reduction of traffic accidents and violations.

### **Uniform Traffic Citations:**

Officers using the New Mexico Uniform Traffic Citations may charge a person with a moving violation as defined in State Statutes or City Ordinances as follows:

## **Issuing a Citation:**

Officers will be equipped with Traffic and Criminal Software (TraCS) hardware and software based on departmental supply availability. Officers will be issued TraCS hardware by the quartermaster and are responsible for maintaining the equipment. Officers shall notify the TraCS Coordinator of any hardware or software issues as soon as practicable. TraCS hardware is issued to the individual officer, not departmental vehicles. Officers must maintain possession of all TraCS equipment unless otherwise directed by the TraCS Coordinator. Officers will receive initial and advanced training in the use of TraCS by the TraCS Coordinator at his discretion. TraCS shall be used when issuing a court appearance, penalty assessment or written warning citation to a violator or when booking a violator for any traffic offenses including DWI. Hand written citations shall only be used in the following circumstances:

1. Equipment malfunction
2. The officer has not been issued TraCS equipment or;
3. The officer has not completed their initial training with the TraCS Coordinator.

If an officer is unable to use TraCS due to one or more of the above listed reasons, the officer shall complete a hand written citation by adhering to the following procedures;

1. Officers will use black ink to fill in all appropriate spaces on the face of the citation;
2. Officers will ensure that all copies are legible;
3. Officers will not mark out or write over information on the face of the citation, but instead will void the citation and issue a proper one in its place;
4. Officers will turn in copies of issued or voided citations to a supervisor at the end of their shift;
5. Release the violator.

## **Officers issuing a notice to appear in court will:**

1. Complete the information section of the citation and notice to appear in court specifying the time and place to appear. The officer shall give the violator a minimum of 7 calendar but not more than 29 days to make an appearance in the designated court to enter a plea;
2. Complete the "Violation Code" section of the citation;
3. Have the violator sign the agreement to appear as specified, after explaining that signing is not an acknowledgment of guilt;
4. Give the violator the "Violator Copy" of the citation;
5. Release the violator.

**Officers issuing a citation for a penalty assessment violation will:**

1. Complete the information section and penalty assessment notice indicating the amount of the penalty;
2. Have the violator sign the agreement to pay the prescribed amount, after explaining that signing is an acknowledgment of guilt;
3. Give the violator the "Violator Copy" of the citation and, if available, an envelope addressed to the court;
4. Refuse to accept custody or payment of any penalty assessment.
5. Release the violator.

**Officers issuing a warning notice will:**

1. Complete the information section of the citation;
2. Explain the Warning Notice is an acknowledgment of guilt;
3. Have the violator sign the warning notice;
4. Give the violator the "Violator Copy" of the citation;
5. Release the violator.

**Traffic Violations - Arrest:**

It is the policy of the Farmington Police Department to generally cite offenders for common, minor, traffic violations in lieu of arrest. Any exception to this must be approved by an on-duty supervisor.

There are those occasions when an offender will refuse to sign for receipt of their citation. In those instances the following criteria should be followed.

1. The officer shall advise the offender that by signing the citation they are not admitting guilt to the offense, but are instead only promising to make the appointed court appearance.
2. The officer will notify his/her supervisor that the offender is refusing to sign the citation and the likelihood of an arrest.
3. The officer has the discretion of releasing the violator and later obtaining a summons or arrest warrant through the appropriate court for the violation in lieu of arrest.

4. If the violator does not have ties to the community, resides outside the immediate area or has shown a history of failing to appear for court hearings, the officer may choose to arrest the violator for the traffic violation.
5. If a violator refuses to sign a citation during business hours and the decision to arrest has been made, the officer shall check to see if a Municipal or Magistrate judge is available to hear the case. If a judge is available, the officer shall complete the traffic citation, criminal complaint, and probable cause statement and take the violator to be seen before a judge.
6. If the arrest comes outside of court hours or a judge is not available, the officer shall take the subject to the jail and book them on a probable cause arrest by completing a criminal complaint, probable cause statement, and a uniformed traffic citation.
7. Additionally, the violator may request an immediate appearance before a municipal judge or Magistrate. Their request can only be carried out during normal business hours. The officer shall check to see if a Municipal or Magistrate judge is available to hear the case. If a judge is available, the officer shall complete the traffic citation, criminal complaint, and probable cause statement and take the violator to be seen before a judge.
8. In all cases, a uniformed traffic citation will be completed for the traffic offense.

The following New Mexico State Statutes govern the arrest procedures:

66-8-122. Immediate appearance before magistrate.

66-8-123. Conduct of arresting officer; notices by citation.

31-1-6. Citation in lieu of arrest without a warrant.

### **Verbal Warnings:**

Officers issuing a verbal warning will provide information to the violator regarding the violation committed and the appropriate manner in which to avoid a similar violation.